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WELSH STATUTORY INSTRUMENTS

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**2009 No. 3293**

**The Quality Partnership Schemes (Wales) Regulations 2009**

**PART 1**

**GENERAL**

**Citation, commencement, revocation and application**

1.—(1) These Regulations may be cited as The Quality Partnership Schemes (Wales) Regulations 2009 and come into force on 1 February 2010.

(2) These Regulations apply in relation to Wales<sup>(1)</sup>.

(3) The Quality Partnership Schemes (Existing Facilities) (Wales) Regulations 2002<sup>(2)</sup> are revoked.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Transport Act 2000;

“the 1981 Act” means the Public Passenger Vehicles Act 1981<sup>(3)</sup>;

“the 1985 Act” means the Transport Act 1985<sup>(4)</sup>;

“admissible objection” has the meaning given in regulation 7;

“authority” means a local transport authority<sup>(5)</sup>;

“lead authority” means—

(a) the authority which has made, or is proposing to make, a scheme; or

(b) where regulation 3 applies, the authority named as the lead authority in the notice of a proposed scheme given under section 115(1) of the Act;

“objector” means an operator who has made an objection in accordance with regulation 8;

“relevant operator” has the meaning given in regulations 5 and 6;

“scheme” means a quality partnership scheme;

“traffic commissioner” means, except for the purposes of regulations 5 and 7, the traffic commissioner for the Welsh Traffic Area.

(2) Any period of days prescribed in these Regulations is to be calculated excluding any day which is Christmas Day, Good Friday, or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971<sup>(6)</sup>.

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(1) The power to make Regulations as respects Wales rests with the Welsh Ministers.

(2) S.I.2002/3017 (W. 287).

(3) 1981 c. 14.

(4) 1985 c. 67.

(5) The term “local transport authority” is defined in section 108(4) of the Transport Act 2000.

(6) 1971 c. 80.

(3) In these Regulations, where a person is required to consider whether an operator could be expected to secure an “appropriate rate of return” for operating services of a particular standard specified in any proposed or existing scheme, that person must have regard to the typical rates of return for operating local services of a comparable nature elsewhere in Wales.

### **Identification of lead authority**

**3.—**(1) This regulation applies to any scheme containing a standard of services which includes requirements as to—

- (a) the frequency or timing of services; or
- (b) the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions;

which is made, or is proposed to be made, by two or more authorities acting jointly.

(2) Where this regulation applies, the authorities referred to in paragraph (1) must specify in the notice of the proposed scheme given in accordance with section 115(1) of the Act which of them is to act as the lead authority for the purposes of these Regulations.

(3) Where this regulation applies the lead authority must, before exercising powers in relation to any of the duties and responsibilities assigned by virtue of these Regulations—

- (a) consult and seek representations from; and
- (b) wherever appropriate, act in accordance with the representations of;

the other authority or other authorities by whom the scheme is made, or is proposed to be made, jointly with the lead authority.

### **Services to be excluded from the application of section 114(6B) of the Act**

**4.—**(1) This regulation applies where a local service is provided in accordance with a service subsidy agreement, or series of such agreements taken together, and that agreement or series of agreements has the effect described in paragraph (2).

(2) The effect is that by virtue of a requirement of the agreement or series of agreements, an operator provides services which would meet one or more relevant requirements.

(3) Where this regulation applies the restriction contained in section 114(6B) of the Act does not apply in respect of any relevant requirements.

(4) For the purposes of this regulation—

- (a) a “service subsidy agreement” means an agreement made under section 9A(4) of the Transport Act 1968(7) or section 63(5) of the 1985 Act(8); and
- (b) a “relevant requirement” means a requirement specified in a scheme, or proposed scheme, as to the standard of services to be provided in relation to the frequency or timing of services, or as to the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions.

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(7) 1968 c. 73. Section 9A(4) of the Transport Act 1968 was inserted by the Transport Act 1985, section 57(2), and has been amended by section 67 of the Local Transport Act 2008. There are other amendments which are not relevant to these Regulations.

(8) Section 63(5) of the Transport Act 1985 has been amended by section 68 of the Local Transport Act 2008. There are other amendments which are not relevant to these Regulations.